che rection of the Neutrality laws about the fitting out of expeditions, said such vessels had heretofore been captured on mid-ocean, and turued back, to prevent them from making assaults.

Mr. STEPHENS (resuming) wanted to know when.

Mr. BOCOCK replied that he did not make the assertion of his own knowledge, but had been told that each want he fold.

section of his own knowledge, such was the fact.

Mr. CLENGMAN said, on inquiry of a high official who ought to know, he had learned that no seizure who ought to know, he had learned that no seizure has occurred since 1818, and although the Neutrality has occurred since 1818, and although the Neutrality has occurred since 1818, and although the Neutrality coefficient of the Neutrality of the Neutrality is neglected to the Neutrali

ourselves should not restitution should be made, and last. Reparation and restitution should be made. Every it would be an outrage if they were not made. Every man should be sent back to the place from which he is man should be sent back to the place from which in was taken. If Walker, the felon, as some call him, is a fugitive from justice, let the Courts so determine. He understood that Walker left this country in a ship with a regular clearance. He gave his bond before leaving, and can answer to it. It did not become gentlement to say that Walker is a fugitive from justice that the country is a fugitive from justice that the country have and when the gentlemen to say that Walker is a fugitive from jus-fice when he came here on parole, and when the Executive said to him, "Go in peace, we have no charge against you." He repeated that Walker and his men should be put on board a national ship and returned to where they were before the outrage was committed.

Mr. BOCOCK believed that Commodore Paulding is acted illegally. While he preferred to hear from the Executive in response to the resolution for infor-mation, he wanted the Neutrality laws inquired into. mation, he wanted the Neutrality laws inquired into.
He maintained that we had unlimited power to use
the army and navy on the ocean, where those of other
nations can be legitimately employed.
Mr. QUITMAN inquired whether the law did not
apply only to offenses committed within the United
States.

Mr. BOCOCK replied that he understood from a gentlemma learned in the law that the celebrated William Baker, who committed an offense in Nework, was pursued on the ocean by the vessels of the United States.

Mr. KEITT asked whether persons arrested withou

the limits of the United States would be amenable to

any court in the country?

Mr. BOCOCK replied, that separate power is given to the President over and above bringing them to trial. Power is given to prevent them from going to foreign shores to war against countries with which we

Mr. GROW was pleased to see such feeling manifested on the other side of the House against Exceutive encroachment on the rights of our citizens. He asked that the rule applied to the sea be applied to the land, for the army, during the last two years, had been employed in Kansas perpetrating outrage and injustice on the rights guaranteed to every free-

Mr. MAYNARD trusted this question would be dis Mr. MAYNARD trusted this question would be dis-cussed on its intrinsic merits, separated from Kansas, Ulah and all others. He took it for granted that Paulding and Chetard thought they had plenary power and ample instructions for the course they deemed proper to pursue. If they were acting under instructions of that character, they should not be re-

preached for obeying them.
Mr. LOVEJOY said if the neutrality laws need Mr. LOVEJOY said if the neutrality laws need a change he would vote for it. He protested against this attempt to elevate into honor "a bucaueer, a murderer and a pirate," who for years has been dissurbing the peace of neighboring nations. As for the fact, they had the authority of the President, who says that Walker is a fugitive from justice and has escaped from jai! [Laughter.] And now they were asked to bow to the magnanimity of the criminal who yielded to the officer. [Laughter.] Great magnanimity indeed when a man can't help himself. [Laughter.] That was dore under the police arrangements every day. If they had to bow to every such man as a hero, they would soon exhaust their power of admiration. [Laughter.] If Commodore Paulding had hung him (Walker) to the yard arm, he (Lovejoy) would have homered him for it. This is the treatment which such pirates eught to have held out to them. He entered his protest against clothing a man with heroism, and making him a martyr, whenhe is simply a racad. [Excessive laughter.]

Mr. STANTON raid he understood the settled rule of international law to be that every nation has the circh to a narron its criminals on the high seas and ar-

Mr. STANTON said he understood the settled rule of international law to be that every nation has the right to pursue its criminals on the high seas and arrest them wherever found under its flag, and when it can be done legitimately, under any other flag. The President says in his Message that Waker "escaped," and it was on that ground that his arrest was made. Without concluding the debate the Committee rose, and the House adjourned.

Kansas Excitement at Washington.

WASHINGTON, Tuesday, Jan. 5, 1858. The report of an engagement between Lane's troops and the United States Dragoons at Sugar Mound, in which the dragoons were repulsed, is credited here in spite of the contradiction telegraphed from Cincinnati. Information received here makes such a collision ex-

At the last accounts the Territorial militia under Lane bad received to defend Fort Scott from the Miscouri intruders at any cost. The fort was only four miles from the Missouri line.

The latest advices say that Lane had 1,300 men and

There is great excitement here on the subject.

The St. Louis Democrat's report of the engagement referred to above, is as follows:

"On Friday, the 25th ult., news reached Leaven-worth that an engagement had taken place between the troops under Gen. Lane at Sugar Mound and a company of United States dragoons. The officers ordered Gen. Lane to surrender himself and men to the United States authorities, which he refused to do, when then the dragoons charged upon the troops and were repuised with a loss of three of their num-her.

ber.

Finding themselves too weak to dislodge Lane,
the dragoons retired, and an express was dispatched
to Gen. Denver for reinforcements. The Governor
immediately ordered three companies of dragoons to
the seat of war, and they passed through Shawnee
on Saturday, the 26th. It was expected there would
be bleedy work.

en Saturday, the 26th. It was expected there would be bloody work.

"As soon as the news of the engagement was received by the people, they commenced organizing in military companies, and were hurrying forward to assist Lane. It was expected before the dragoons would arrive that Lane would be reenforced by some 2,500 men. The most intense excitement prevailed.

"One of the gentlemen who passed through Lawronce on Friday saw Gen. Lane and Gov. Robinson in that town. They were mounted and completely armed, and appeared much excited. They were addressing the people, who aurrounded them in great numbers, and urged them to maintain their rights and succor their friends. The people of Lawrence were preparing to take the field. John Calhoun has fled from the Territory, and reported himself as going to Springfield, Illinois.

"On the day of the election no polls were open in Bonrbon County, as the Free-State men refused to vote."

Vote."
The Democrat says, editorially: The Democrat says, editorially:

"The alarming news from Kansas, which finds place in another column, will ring a solemn kuell throughout every State in this confederacy. A brave people have been driven to take up arms in self-defense, by the tyrannical attempts of the Federal Government to impose on them bogus enactments and a fraudulent Constitution, followed up by positive orders to their officials to enforce them at the point of the bayonet. The cup of patience had run over—endurance had ceased to be a virtue—and, as was anticipated by our last advices, the final arbitrament has came to a bloody issue. The Federal army is summoned to the field by Gov. Denver, the last appointe of Mr. Buchanan, while the people, organized as a Territorial militia under the laws of their late Legislature, and obeying the instruction of their legally appointed officers, are prepared to reaist such infringement of their liberties to the uttermost. Already the first engagement has taken place, the first shot has been fired, the first man has fallen into the arms of death. Who shall say where all this will end, or what disastrous consequences to the whole Union may flow from the tragedy thus begun. We have no heart to anticipate the dire evils that must follow, and shall await with intense anxiety for further details concerning the reported engagement."

New-Hampshire Politics.

CONCORD, N. H., Tuesday, Jan. 5, 1858. At a meeting of the Democratic State Committee held in Concord on Tuesday, the 5th inst., the follow ing resolutions were adopted and ordered to be pub-lished, signed by the members approving them:

liabed, signed by the members approving them:

Resolved, That the Democracy of New Hampshire albere with unaskaten iddelity to the great principles of popular sovereignty, as sunbodied in the Kanase-Nebraska act, and resultment in the Ciniqual Plafform, and in their name and on these behalf we reaffirm the position on that subject procisioned by them in the State Convention on the 4th of September, 1856, as follows: "That "we believe in the cardinal doctrines of State Rights and Popular Sovereignty; that we recognize in its broadest sense, as just and salutary, the principles that to the people of every organized. State and Territory belongs of right the prerogative of regulating for theometive their own domestic and local affairs within the limits of the Constitution, and that we denounce all violation of the precipies whether by the Interference of the Abolitionists, of the Free States, or by the aggressions of their abettors, the work of sectional spittation from the Slave States."

Resolved, That in accordance with the letter and spirit of the regain act, as we understood and advocated it, the people of Kanasa have the right to decide for themselves, under the Constitution, upon the character of all their domestic institutions; and

therefore we deciare it as the opinion of the Democracy of New-Hempshire that no Constitution ought to be imposed upon them or the people of any other Territory until it has received their express approval.

Reselved, That the Democracy of New-Hampshire have abiding confidence in the integrity, patriotism and esteemanship of President Buchman and his constitutional advisars, and in their fidelity to the great principle upon which they came into power, and we piedge to them our cordial and unwavering upport in all their efforts to carry out those principles in the administration of the Government.

The foregoing resolutions were signed by sixteen members of the Committee; two were absent.

Massachusetts Legislature.

Bosros, Tuesday, Jan. 5, 1858.

The Republican members of the Legislature hold a caucus at the State House this evening. Charles W. Upham was nominated for re-election to the Presidency of the Senate, and Stephen N. Gifford was nominated for Clerk. Julius Rockwell received the omination for Speaker of the House, and Wm Stone

for Cierk.

The informal ballot for Speaker of the House stood as follows: Julius Hale of Pittsfield, 73; Charles Hale of Boston, 48. Subsequently Mr. Rockwell was nominated by acclamation.

From Albany.

ALBANY, Tuesday, Jan. 5, 1858.

The Americans hold a caucus this evening to consuit on the proper course for them to pursue.

Pennsylvania Legislature.

HARRISHURG, Tuesday, Jan. 5, 1858.

The House met at 11 o'clock this morning.

The returns of the election were presented by the Secretary of the Commonwealth, and opened and read by the Clerk of the previous session.

The House then proceeded to the election of a Speaker.

Speaker. Mr. G. N. Smith nominated A. Brower Longaker of Montgomery County.

Mr. Isaac Benson nominated Thomas Struthers of

Struthers.

Mr. H. Welsh was elected Speaker of the Senate.

The Governor's message will be sent in to-morrow.

Election of a United States Senator. LOUISVILLE, Ky., Tuesday, Jan. 5, 1858. Gov. Powell was elected United States Senator from his State to-day. He received 80 votes, Garret Da-

this State to-day. He receivis 54, and Mr. Thompson 1.

Death of the Hon. S. B. Robie.

HALIFAX, Tuesday, Jan. 5, 1859.
The Hon. Simon Bradstreet Robie, formerly Master of the Rolls, expired yesterday, aged 88 years.

TRENTON, N. J., Tuesday, Jan. 5, 1858.

The announcement that Donnelly had been respited until the 13th inst. is an error. The Governor has finally determined not to interfere. Donnelly will be executed on Friday, in pursuance of the sentence of the Court.

NEW-ORLEANS, Tuceday, Jan. 5, 1858.

The following failures occurred here to-day: Messra. Ward, Saunders & Hunt; Messra. George Smedes & Co., and Messrs. Titus, Groves & Co.

Confession of a Parrieide.

Bosron, Tuesday, Jan. 5, 1858. Frank Heath and his sister Miriam York Heat Frank Heath and his sister Miriam York Heath, have been arrested in Dracut, near Lowell, for the murder of their father, Joshua Heath, a blacksmith, between sixty and seventy years of age. The daughter, it is stated, confessed that she first attempted to poison her father, and that her brother, on Saturday night, shot him is the head and afterward buried the body where it was found by the officers. They seem to have a very faint idea of the enormity of the offense. The father was of intemperate habits and often quarreled with and beat his children.

Arrest of Counterfeiters.

Wm. H. Stephens, of New-Hampshire, was arrested in this city to-night for uttering counterfeit bills on the John Hancock Bank of Springfield. He is probably

The following are the footings of our Bank State-

Gen. Walker's Men.

General Walker's men were discharged from the Saratoga to-day, by orders from Weshington. Many of them are wandering about the city, destitute, poorly clad and wanter the city of the cit clad, and moneyless.

United States Supreme Court. Washington, Tuesday, Jan. 5, 1858.
No. 23. Argument for appellant concluded.
No. 24. Isaac Brown vs. Joseph P. Shannon et al.
Argued for appellant, and submitted on printed argu-

The News-Yacht off Cape Race. St. Johns, N. F., Tuesday, Jan. 5, 1858.

The News-Yacht of the Associated Press, having been repaired, has now resumed her station off Cape Race, and will intercept the steamers passing within ten miles of that point.

Burning of the Schooner Liverpool. BARRINGTON, N. S., Tuesday, Jan. 5, 1858.
The schooner Liverpool, just from Boston, with a cargo of flour, sugar and merchandise, while lying at Robertson's wharf, in this place, last night, took fire and burned to the water's edge. Loss estimated at

\$10,000. No insurance.

Fire in Chicago. CHICAGO, Tuesday, Jan. 5, 1858.

A fire occurred last night on Clark street, between juincy and Jackson streets. The loss is estimated at 60,000 incured for 220,000. Quincy and Jackson streets. \$60,000, insured for \$30,000.

RICHMOND, VA., Tuesday, Jan. 5, 1858.

The Richmond machine shop of the Central Railroad was consumed last night. Seven locomotives were destroyed. Loss, \$25,000; insurance triffing. were destroyed Fire accidental.

Death of a Hotel-Keeper.

SCHENECTADY, Tuesday, Jan. 5, 1858. George Griffin, the lessee of Given's Hotel in this place, died last evening.

The Weather.

TORONTO, Jan. 5—8 a. m.—The weather here is aild and beautiful, like Summer.

KINGSTON, Jan. 5—8 a. m.—Weather fine and clear.

OGDENSBURGH, Jan. 5—8 a. m.—The weather here fine and clear.

The steam ferry is still running.

BROCKVILLE, Jan. 5—8 a. m.—Weather fine and lear.

OTTAWA CITY, Jan. 5-8:30 a.m.-The weather OTTAWA CITY, Jan. 5—8:30 a. m.—The weather here is very clear and fine this morning.

MONTREAL, Jan. 5—8:30 a. m.—Canoes are crossing the river here. The weather is mild and clear.

QUEBEC, Jan. 5—8:30 a. m.—The weather here is clear and fine.

SCHENKCTADY, Jan. 5—a. m.—Weather cloudy. The thermometer at 10 a. m. 42 deg. above zero.

PITTSBURGH, Jan. 5.—The weather here is very disagreeable; it is raining hard.

PHILADELPHIA, Jan. 5—9 p. m.—Weather cloudy, with appearance of rain. Wind N. E.

NORTOLK, Jan 5, p. m.—It has been raining here all day. The weather is mild.

NEW-YORK LEGISLATURE.

From Our Own Correspondent.

ing 16 to 16, the two Americans voting with the

Democrats.

Mr. MATHER thereupon moved to substitute the same of N. T. Rossiter of Schohare for that lien. Lost. Mr. JOHNSON moved to substitute the name o

Mr. Allen was then chosen, receiving the votes of fifteen Republicans and one Independent (H. J. Stowe) against fourteen for Rossitor. The two Americans did

H. W. Dwight was chosen Sergeant-at-Arms by the ame vote.
Simeon Dillingham, for Assistant Sergeant-at-Arms, eccived seventeen votes—one of the Americans vot

received seventeen votes—one of the Americans vot-ing for him.

For Doorkeeper, R. U. Owens of Oneida received 16 votes against 14 for James Nesbitt of New-York, and was declared elected.

H. Shiffen, Samuel Ten Eyek and James T. Clark each received 16 votes for the posts of First, Second and Third Assistant Doorkeepers, and were declared

chosen.

The oath of office was administered to the several officers thus chosen, and the organization was com-

pleted.

Committees were then appointed to wait upon the Governor and the Assembly with the information that the Senate had organized and was prepared to pro-

the Senate had organized and was prepared to pro-ceed to business.

The Governor's reply to the Committee that waited upon him was, that when he received like informa-tion from the other House he would communicate.

When the usual motion, inviting the clergy of Al-bany to open the daily sessions with prayer, was offered, Senator WILLARD of the Kensselaer Dis-riet moved to amend by extending the invitation to

offered, Senator WILLARD of the Rensselaer District moved to amend by extending the invitation to the clergy of Troy as well, remarking that they were "only 15 minutes from the Capitol."

The amendment was adopted without dissent.

Mr. MATHER gave notice that he would, at an early day, introduce a bill to repeal the Metropolitan Police Act.

KANSAS-POPULAR SOVEREIGNTY-THE POWERS OF Mr. DIVEN introduced the following series of resolutions, which, being concurrent, were laid over, under

Resolved, That the right in Congress to govern is incidental and necessary to the right to acquire and hold territory; that in providing a severnment for a ferritory under this right, it shall be based upon the popular will of the lawful inhabitants of the territory, subject to the Constitution, laws, treaties and compacts of the United States; that the admission of a territory into the Union as a State shall be upon the voluntary application of the people of the territory, with a Constitution of their own choice, republican in form, and not in conflict with any of the laws or ordinances of the General Government.

in form, and not in conflict with any of the laws or orannances of the General Government.

Resolved, That the attempt on the part of the Administration of the General Government to force upon the Territory of Kanasa a Constitution that is known to be opposed by a large majority of the inhabitants, is repugnant to the principles of self-government; is a violation of the piedges of Congress in the act organizing the Territory, and an act fraught with danger to the peace and liberty of the neutry.

of the country.

Revolved, That our Senators in Congress be instructed, and our Representatives requested to oppose the passage of any law that shall recognize the validity of a Constitution for Kanasa that shall not have been fairly submitted to the people of the Territory, and

The Senate then adjourned until to-morrow morning at 11 o'clock.

ASSEMBLY.

House met again at 4 o'clock this afternoon. The House met again at 4 o'clock this afternoon.

The business of drawing for seats was completed, when an adjournment took place until 11 o'clock to

THE GOVERNOR'S MESSAGE

[This Message has not been formally delivered to the Legisla ture, in consequence of the non-organization of the Assembly, but as it was published yesterday afternoon by The Express in violation of confidence, and has thereby become public, we see no reason for withholding it from our readers.]

are of more than ordinary interest.

charge of our respective duties under the Constitution

Toward the close of a year marked by genera health, abundance and prosperity, with overflowing harvests, and a busy, peaceable and contented people; we suddenly found ourselves involved in one of those financial convulsions which seem unavoidable, and almost regularly periodical, among enterprising people free to pursue every branch of industry.

Confidence, the vital breath of trade, which had

been so great and so unquestioning, was struck down, as it were, in an instant, and perished; and undertak-ings and engagements of widest reach and range, based upon its continuance, although backed by un-doubted wealth and resources, were forced into liquidation. A most honorable struggle was indeed main tained by the business community against this calami tous alternative. But the banks, under ordinary circumstances the helpers of the sorely-pressed mer-chant, became, in their turn, dependent upon the forbearance of their dealers, whom, in order to avoid the discreditable and dangerous resort to a suspension of specie payments, they were obliged, by constant and stringent reduction of their discounts, to disappoint of accustomed supplies. Instead of reciprocal aid and cooperation, it became a strife who could endure most and longest. The consequence was obvious. After many and disastrous failures among the merchan and all the many and disastrous failures among the merchan. endure most and tongest. The consequence among the merchanis, one name themselves followed; and on the 14th of October last, those of the City of New-York suspended specie payments. The country banks of this State, and the banks, indeed, thoughout the United States, with the exception of those of New-Orleans, were awapt away in the same vortex. How far, by a judicious concert of action, and more considerate watchings of the signs of the times, the banks might, by earlier adoption of restrictive measures, have averted or mitigated the calamity—or whether, when it became certain that unless the sharp and sudden contraction of the circulation resorted to by the banks could be arrested, and a more liberal view be made to prevail, commercial credit would be prostrated, and panic take its place—it belongs not to this place, nor to my purpose to inquire. Suffice it to say, the panic came, and banks, alike with individuals, were powerless against it. were powerless against it.

It is a noticeable characteristic of this suspension of

It is a noticeable characteristic of this suspension of specie payments, that it came in no sense from, and was not occasioned by, the bill-holders. By the wise laws of this State, the bills of our banks are so effect-ually secured, that about their essential value, if not immediate convertibility, no one had a doubt. It was the depositors that made the run upon the banks which forced them into suspension. It was the owners of the property that combined to carry it off from the depositories which they had chosen for it, and where it had ceased to represent a capital for furnishing discounts. This fact seems to point in the direction in which a preventive for the future may be found.

In the alarm and confusion consequent upon the sus-

preventive for the future may be found.

In the alarm and confusion consequent upon the suspension, urgent appeals were made to me to convene the Legislature, in extra session, in order that it might consider of the measures fit to be taken in such an empered.

consider of the measures fit to be taken in such an emergency.

I listened with all respect and attention to the arguments for such a course, addressed to me by the deputations which came to the seat of Government from the cities of New-York and Albany, but without being moved from my early and steadfast conviction that such a step was not expedient. I had the fullest confidence that, both from an enlightened sense of duty and from a wholesome fear of the legal consequences of prolenged suspension, the banks would make strenuous efforts to resume specie payments at the eatliest day, if not unwisely harassed or more unwisely indulged. A judicial opinion from the Supreme Court, promalgated in the City of New-York, quieted the immediate apprehension of the banks of being forced into liquidation. And the whole business community pledged themselves to stand by and aid, instead of crippling or annoying them. It is, therefore, with the

deepest satisfaction I have found my confidence in the will and in the ability of the banks to effect an early resumption, amply vindicated by the spontaneous return to their regular course of business of all the banks of the City of New-York, on the 16th of December, within two nonths of the period of their suspension. The banks of the whole State followed the lead immediately, and those of other cities and States, with a few exceptions, did likewise, and new the liabilities of the banks are redeemed on demand in coin, as quietly and surely as though no interruption had occurred.

I confess to some pride, as a citizen of the State of I conless to some pride, as a citizen of the State of New-York, in such an exhibition, alike of the high sense of duty, of the integrity and of the solvency of the banks, as contrasted, moreover, with the necessity which recently forced the Bank of England to ask and to avail itself of the intervention of the Government, for its relief, although armed with a defensive power, which our banks have not, of raising the rate of diswhich our banks have not, of raising the rate of discount to a percentage that may become prohibitory. It is a just cause of satisfaction that our banks, partaking of all the freedom of our political institutions, after yielding for a brief space, yet, of their own motion, vigor and sense of duty, triumphed over like difficulties without aid from the Government. It would be unwise, however, to lot the present opportunity pass without seeking some preventive of these periodical convulsions, so fraught with disaster, both to individuals and the public.

The effect of the recent derangement in business has been to bring about a general settling up of accounts.

ical convuisions, so traight with disaster, both to individuals and the public.

The effect of the recent derangement in business has
been to bring abent a general settling up of accounts,
and se period could, therefore, well be more propitious
for the inauguration of any new provisions having for
their object the greater security and steadiness of the
business of banks, which combine, as ours do, the
character both of banks of issue and banks of discount
and deposit. With regard to the issues of the banks,
I propose no change, for I perceive no necessity for
any. The bank notes circulating as money are now
so weil secured, and so firmly established in public
confidence, that even the suspession of specie payments did not, as we have seen, sousibly affect their
value, and though not at the moment redeemable in
crin, they continued to pass current as before. These
derangements in the money market have their source,
not in the issues, but in the deposits of banks. Great
competition exists among these institutions to
secure large deposits at a low rate of interest.
These deposits become the basis of extended and
profitable discounts, thereby unduly expanding the
circulation. Varieus expedients, more or less complicated, have been suggested to guard against this danger. But a simple and effectual course would seem
to be, to require each bank to keep on hand a fixed
relative proportion of coin to the total amount of its
cash liabilities, exclusive of its notes, and to impose
adequate penalties for the violation of this law. This
would go to the root of the evil, for the cost of keeping
in the vaults so much unproductive coin would be
certain. There would be less desire, therefore, for
large deposits; and these would be more equally diffused among many banks—of itself an advantage, instend of being, as now, monopolized by a few. Entertaining these views, I submit, for the consideration of
the Legislature, the expediency of requiring, by law,
under adequate penalties, that every bank shall keep
on hand t as to time, as to reach the minimum by a progressive monthly percentage; but whenever reached, at a day to be fixed, not to be departed from. Under a law similar to this, the chief banks of New-Orleans, law similar to this, the chief banks of New-Orleans, alone of all the banks of the country, were enabled to resist the pressure of universal suspension elsewhere, and maintain their integrity. Such a law in this State, together with the weekly statements, under oath, of the New-York City banks—now so judiciously required to be published—and the operation of the daily settlements at the Clearing-House, would, it is believed, go very far to prevent catastrophes such as that from which we are just emerging. I can perceive no objection, in expediency or equity, to such a restriction upon the banks, which, as creatures of the State, may and should be required so to conduct their operations as that the public safety shall not be postponed to the desire of adding to the profits of their private stockholders.

The condition of the banks, in all their details, will be communicated to you at an early day by the Su-

The condition of the banks, in all their details, will be communicated to you at an early day by the Superintenders of the Hanking Bepartment, to which a would beg leave to refer you for such further information as you may desire upon these subjects.

The condition of the finances of the State is such as to require, I amconstrained to say, continued taxation, in order to the maintenance of the public credit, and the due provision for the ordinary expenses. The Canal revenues are again deficient, and it becomes a duty to express the opinion that under existing circumstances, the Legislature may, with equal fitness and justice, repeal the law of 10th of July, 1851, "entitled "An Act to abolish tells on Railroads," and then, by a further act, re-establish the tolls on competing railroads, which had been pledged, by the Constitution, as part of the Canal revenues, for the security and ultimate redemntion of the value of the security and ultimate redemntion of the value of the security and ultimate redemntion of the value of the security and ultimate redemntion of the value of the security and ultimate redemntion of the value of the security and ultimate redemntion of the value of the security and ultimate redemntion of the value of the security and ultimate redemntion of the value of the security and ultimate redemntion of the value of the security and ultimate redemntion of the value of the security and ultimate redemntion of the value of t

roads, which had been pledged, by the Constitution, as part of the Canal revenues, for the security and ultimate redemption of the public debt.

Railroads are great public benefits, and there should be no desire to deal in an illiberal spirit with their owners and managers. It is for the general safety and convenience that those who invest their money in such enterprises should be permitted to derive therefrom a just return of profits, but always in subordination to the public good and the rights of others. It is in this view I recommend, as an equivalent for restablishing the tolls on freight, that railroad companies, paying such tells, be permitted to make such equitable increase in their present charges for the transportation of passengers as the Legislature may authorise.

authorise.

There will doubtless be addressed to you applications To the Senate and Assembly:

The circumstances in which we meet for the discharge of our respective duties under the Constitution.

To the Senate and Assembly:

for grants of money to various deserving enterprises and institutions; but it is my duty to say that, in the present condition of the Treasury, a deaf ear should present condition of the Treasury, a deaf ear should be turned to all such applications; for it can only be through the exercise of the strictest economy, and of retrenchment wherever retrenchment can properly be made, that we shall be able to meet our ordinary ex-penditure, and to fulfill our obligations to those State institutions which habitually rely upon our annual appropriation.

appropriations.

The reports annually presented to the Legislature

The reports annually presented to the Legislature will make known to you the general condition of the State, of its elemosynary institutions, of its Houses of Refuge, its Prisons and Penitentiaries, and to these I refer, without reproducing their statements here. The Superintendent of the Onondaga Salt Springs reports to me that the inspection of salt manufactured on the Onondaga Salt Springs Reservation, during the past year, is 4,312,000 bushels. This is a falling off of the production of the preceding year of about 1,700,000 bushels. The Superintendent ascribes this falling off to the recent general derangement of business in the country, but expresses the confident belief that this important staple will speedily recover from its depression, and go on, as heretofore, with steady increase.

this important staple will speedily recover from its depression, and go on, as heretofore, with steady increase.

Of the Canals, however, I must speak at some length and with entire frankness, not concealing whatever there may be of disappointment and discouragement in the statement to be made, but as certainly not doubting nor desponding, either as to ability, the obligation, or the expediency of persistent efforts and sacrifices, if need be, speedily to complete the enlargement; and therein and thereby put the State in possession of a system of internal navigation, unsurpassed in its extent and completeness, and unequaled in its productiveness. The net tolls of the past year, extending from Oct. 1, 1856, to Oct. 1, 1857, fall short. As appears by the annexed abstract from the report to me of the Auditor of the Canal Department by \$110, 984 40 of the sum of \$1,700,000 required by the Contitution to be annually set apart from the surplus revenues of the canal, as a sinking fund for the redemption of the canal debt as it existed in 1846. The Constitution further requires that \$350,000 be annually set apart from the surplus funds, to provide for the interest and principal of the General Fund Debt. This also is deficient, thus making the whole deficit of the tolls to satisfy the requirements under 1st and 2d sections of article 7 of the Constitution, \$461,984. The work of enlargement has, it is believed, been advantageously and steadily prosecuted during the past year, though I am unable to furnish you with any details. These will be presented to you in the report which the State Engineer is preparing, and will make to the Legislature at an early day. Assuming, however, as accurate, the estimates in his annual report, of the cost of completing the enlargement, from Dec. 1833, 450,000 and adving credit for the sums since approprised thereto, via. amount of four loss of \$2,20,000 each, under Constitutional Amendment of 1851.

To meet this there is only the loan of \$500,000 authorized by the last Legislature, not yet negotiated. It will devolve upon you, therefore, to provide the additional means. I have already suggested that tolls on competing railroads be restored, and would further suggest, as an additional resource, such increase of canal tolls as may be found expedient, and for the balance we can only look to direct taxation; and accordingly I recommend that recourse be had thereto, in such measure and with such apportionment of the burden over two years as will render it least onerous to the people, while fulfilling the end proposed, of insuring the speedy enlargement. That result, if adequate means were on hand, might be accomplished within the current year. But inasmuch as no such means can be provided within that time, we must be content to wait a little longer for this great consummation, well assured that when it does come it will come crowned with abundant and lasting prosperity. Meantime it may be safely estimated that, with the tolls on competing railroads, and a tax of one-balf mill sunually, by two years, a sufficient sun

will be raised to effect the desired object, and thus, at the commencement of the year 1860, put the State in possession of this great property, with a sinking fund adequate to the rasid extinction of all the debt, charged upon it, and with an income that will thenceforth obviate the necessity of taxing the people. The Superintendent of Public Instruction has furnished me, in anticipation of his animal report, with the following statement of the condition of the Public Schools of the State:

The reported expenditures for the Public Schools of the State for the year 1857, are: For Teachers' wages.
For Libraries and School apparatus.
For school horses, including sites, repairs, &c... Total...
Of the show total amount there was raised, school district tax and rate bills... 2,791,274 00 16,654 31 1,102,570 50 From Common School Fund and State Tax.

Total ... \$3,200,000 M The number of School Districts reported in the State is 11,857.

The reported number of persons between the ages of four and twenty-one years is 1,214,771; of whom-there were in attendance, some pertion of the year, in the Public Schools, SS2,735—69 per cent of the whole. The cost per month of each pupil actually attending school was Milecute.

. \$3,299,898 90

school was 84 cents.

The cost of the Public Schools, apportioned per capita, on the whole population of the State, exclusive of the invested school funds, was 93 cents and 7 mills. of the invested school lands, was 55 cents and 7 mills.

The law under which the military force of the State is at present organized can hardly be said to answer generally the requirements of the force, nor even, in some essential particulars, is it to be considered as accomplishing the objects sought to be secured by its

accomplishing the objects sought to be secured by its provisions.

In establishing the present commuting system, the Legislature doubtless intended it as a means by which the pecuniary burdens of the military organization might fall less grievously upon those included within its authority; nor is it any less certain that it intended that the commutation should be properly assessed and collected; but owing to defects in the law itself, and to the mode in which it is administered, the funds arising out of the system are by no means as large as it was reasonable to expect, and in this regard, at least, it may be truly said that the law has failed in accomplishing one of its vital objects. Indeed, so generally is this the case, that in many of the military districts of the State, the expediency has been urged of abolishing allogether the commuting system, and establishing in heu of it a direct tax upon property.

It is believed, however, that by a modification of the manner in which the enrolment is effected, and by previding against the accumulation of the commutation of successive years, the commuting system will

providing against the accumulation of the commutation of successive years, the commuting system will
become as effective as it is desirable.

I would call your attention to this defect in the law,
and generally to the suggestions contained in the Report of the Adjutant-General.

The military force of the State is divided into 8 Divisions, 28 Brigades and 67 Regiments, comprising in
the aggregate 16, 434 officers and men, and is classified
by companies in the various arms.

It will be, perhaps, remarked that the number specified as the aggregate of the force is somewhat less
than that stated last year. This arises from the fact
that the aggregate of last year was derived from calculations based upon partial returns; this year, however, the returns have been unusually full and accurate, and it is believed that the number now specified as the aggregate of the force cannot vary much
from the fact.

Linear bad exponentialities during the past year to

from the fact.

I have had opportunities during the past year to witness, personally, both in the City of New-York and in some of the interior cities and counties, the soldier-like bearing and appearance of the uniformed troops, and I look on such an organization, only kept up, as it is, at a very considerable indirect cost, as an honor and defense to the State, and worthy, therefore, of legislative executacement.

is, at a very considerable indirect cost, as an honor and defense to the State, and worthy, therefore, of legislative encouragement.

I took occasion to submit to the last Legislature the urgency of some more adequate provision than now exists for securing and protecting both the freedom and the purity of the elective franchise, especially in the large cities. I now suggest, as at once censtrational and effective, the enactment of a Registry Law, whereby the rights of every slector may be ascertained in advance of the heat and software of elective, and trand, simulation and perjury be rendered measurably unavailable at the polls.

Much time was given by the last Legislature to framing laws for the City of New-York; and it affords me pleasure to say that all of them have, by their operation thus far, vindicated the wisdory with which they were framed and enacted. Of the law establishing a Municipal Police, though most factiously resisted, and so far, therefore, deprived of its efficiency, the experience has been satisfactory. And I look forward with confidence to the complete organization of the force under this law, as promising, to the metropolitan district to which it applies, a most efficient, reliable and respectable police. If it shall be found that additional legislation may hasten such a result, it will, I trust, not be withheld. I communicate herewith, for your information, a report of the Police Commissioners, which, in conformity with the law, they have made to me.

The law to reorganize the Warden's office of the port of New-York is among those of the last Legislature which has been most earnestly resisted as oppressive and unconstitutional. It seems to me, however, ust in principle, and fair to all parties liable to be affected by its provisions, either as ship-owners, shippers, insurers or consignees, at home and abroad. The duties under it have been faithfully and intelligently discharged, and at a moderate cost.

The law for the removal of Quarantine from its

duties under it have been faithfully and intelligently discharged, and at a moderate cost.

The law for the removal of Quarantine from its present site has met with unexpected obstructions, of which the details will appear from a report to me of the Commissioners, accompanying this Message. I induge the hope that the State of New-Jersey, to which we are bound, over and above the common

which we are bound, over and anover the sound bond of union as an equal member of the Republic, by special ties of neighborhood, interest, and close social and domestic relations, will, upon a roview of the whole case, forego her objection to the use of the barren sand-spit of Sandy Hook as a Quarantine station, and thus cement more closely, by such a concession to the common health of the people of both States, our respect and affection.

With respect to the concurrent resolutions of the last Legislature, proposing an amendment of the Color, and also an amendment to prevent frauds at elections, I have to state that, in the hurry of business toward the close of the session, these resolutions were inadvertently sent to the Executive Chamber, among many other bills, and not requiring, as those bills did, the signature of the Governor, they were laid aside, and not being called for by the proper officer, they were overlooked, and so failed to be published acaccording to the provision of the Constitution. I now call your attention to the fact. Concurring entirely in the policy of these resolutions, I invite your consideration to the propriety of resenancing, them.

It is known that in the month of July last, the centre building of the State Lunaite Asylum, at Uties, tegether with some of its outbuildings, was destroyed by fire. It was ascertained to be the act of an incendiary, partially deranged. On consultation with the Board of Managers, and being satisfied by personal impection of the absolute necessity of immediately repairing the damage, I authorized them to do so, upon the most advantageous terms consistent with economy and dispatch. Upon this authority, they proceeded at once, and, up to the present period, they have made an expenditure amounting to \$41,005.51; and the sum estimated as needful for work yet to be done is \$27,786.43, making the entire amount \$43,741.94, for the reconstruction of the buildings destroyed, with some improvements deemed valuable and necessary of the case; for the operations of th

gation, that this result should be deemed final, and that the lines thus established should be considered as unalterable.

gation, that his result should be deemed final, and and that the lines thus established bould be considered as unalterable.

It cannot have escaped your notice that during the past year send of our Courts of law have, by a most extraordinary exercise of the power of granting injunctions, introduced an element of discord, and, therefore, of weakness and distrust, into our judicial system. The injunction is a process unknown to the common law. According to that law, every man is free to act, on his rights, as he is advised they are, subject to answer in damages to any one whose rights he may invade. Equity comes in, where the act threatened to be done would cause a damage, in its nature irremediable, or where the trespassing party is irresponsible, and enjoins him. But, as now practiced, our Judges, in a discretion not always wisely exercised, have nearly converted into an every-day remedy what is designed, and has heretofore been regarded, as an exceptional intervention of equity, staying, in such cases, the extreme rigor, or supplying the deficiencies of the common law. The evils of such proceedings, in relation to individuals, assume far greater proportions when they are brought to operate on public interests, and have reached such a pass in the City of New-York, that it has become a common practice for the Judiciary, acting preliminarily and without the definers with the action of public efficers, alike of the Municipality and of the State. The effect is to constitute the Judiciary an integral part of our Municipal and State Government by their own act, not judging on regular proofs according to the common law, with its wise rules of svidence, its confronting of witnesses, and its sober delays for reflection, but on the urgest on regular proofs according to the common law, with its wise rules of evidence, its confronting of witnesses, and its soher delays for reflection, but on the urgest impulses of agitated parties, moved by the outcree of masses, and it is feared not entirely free from the influences of party and partisan strife. How great this evil became, how it impaired confidence in the Judiciary, how dangerous it was to the public, the events of the past year have plainly shown. To comedy this state of things, it is suggested that it be provided for the future:

of the past year have plainly shown. To remedy this state of things, it is suggested that it be provided for the future:

1. That no injunction be granted ex parte. This is understand to be the law in the courts of the United States, and that it has been found to work well—notice being always required, so that the other party can make his statement.

2. That no injunction be granted, except where the injury apprehended would be irreparable, and could not be compensated in damages, or when the apprehended wrong-doer was insolvent.

3. Security might be required for the payment of damages to the party enjoined, in case the process should appear to have been improperly obtained.

These provisions should be applicable to all demands for an injunction; and, in addition, in the case of public officers, whether of the State or the municipality, it might be further required that

24. The jurisdiction, as to public officers, should be confined to a single court, so as to avoid a conflict of jurisdiction and of opinion.

5. No injunction to be allowed, as to any public matter or public officer, but on a hearing before a General Term, from which an appeal should lie immediately to the Court of Appeals.

Some such provisions as these, with such details so may be found advisable, seem to me indispensable for restoring the impaired confidence of the people in the Judiciary, as well as for restraining that most essential and valuable department of polity within its proper and prescribed limits. It will be all the stronger, in real authority and in moral weight, by being thus restored and restrained.

I cannot pass from this subject without calling year

real authority and in moral weight, by being thus restored and restrained.

I cannot pass from this subject without calling your attention to some other points connected with it; and first, as to the mode of ascertaining and declaring the result of the election of Judges. The choice in these elections is, as in respect of other elective officers, by pluralities; but no commission is issued to the elected, and they enter upon and hold office under a mere canvassers certificate. In case of a doubt or dispute, no magistrates are authorized to determine the prime facic title.

It would seem not unreasonable, with regard to such important officers, chosen for a long term of years, if only to guard against surprise, that something more than a mere plurality—some appreciable and significant proportion of all the votes cost at such election—should be required as necessary to a choice, while both dignity and reasonability would seem to demand that every incumbent of a seal on the bench of the State, should be provided with a commission under the seal of the State; and, in local tribunals, from some Court of Record.

Again, the laws, as administered in criminal cases, do not appear to discriminate sufficiently between degrees of criminality, or do not leave a sufficient latitude for doing so to the Judges. Hence, constant appeals to the Executive for the interposition of his prerogative of mitigating sentences. The listening to and determining of such appeals is among the most laborious and the most painful duties of the Executive—yet a duty fully assumed, with all others belonging to the office, and not, therefore, to be shrunk from But if it should appear to you that the cause of justice as well as of humanity might be promoted by allowing criminal Courts a wider latitude in the application of specific penalties to specific offenses, I willingly persuade myself that it might be an additional motive for adopting such a course; that it would, in the future, relieve measurably the Executive of the State from these most painful and yearly-accumulating applications.

The gold medal voted to Dr. Kane had not been to the such as a such asuch as a such a

The gold medal voted to Dr. Kans had not been completed when the sad intelligence came to us of the sudden death, in a foreign land, of him whom the Legislature of this State designed to honor. It has since been delivered, by my Private Secretary, to the father of Dr. Kans—the afflicted inheritor of the well-earned trophies of a gallant son, too early lost. The gold medal voted to Dr. Kane had not

trophics of a gallant son, too early lost.

The medal voted to Commander Hartstone is in The medal voted to Commander Hartstene is in readiness to be delivered to him at the Capitol when-ever his public duties will permit him to attend and receive it, of which he has been officially advised.

ever his public duties will permit him to attend and raceive it, of which he has been officially advised.

The condition of Kansas continues to absorb public interest. It is to the shame alike of Truth and of Liberty, that it must be said that in the treatment of this question, there has been studied disingenuousness and deliberate perversion of facts. Even the President of the United States, after having pledged himself, as the party he represents had pledged themselves, that no Constitution should be deemed obligatory which had not been submitted to the people for ratification; and still professing to uphold and stand by what it so delusively characterizes as popular sovereignty, nevertheless affirmed, in his message, that it has "been "fairly and explicitly referred to the people whether "they will have a Constitution with or without. "Slavery," while in that same Message it is stated that Slavery, and the right of property in slaves, exists in Kansas "under the Constitution of the United States;" and when by the very form in which the question is submitted, the Constitution recognizing the existence of slaves, must be accepted, whatever the vote or the wishes of the people as to Slavery may be. What grosser mockery of substantial popular sovereignty can well be devised than the submission of only a single section of a Constitution recognizing the rights and the liberties of the people? And what more palpable abuse of language than to speak of such a submission as "fair?" Of what Free State in this Union would the people thus submit to be cleased of their right to decide upon a Constitution in all its parts? Or what theory of Freedom can consist with such a dishonest scheme for forcing an obnoxious instrument apon an unwilling paople?

In view of these most unwarrantable proceedings, and after the emphatic and repeated declarations by the President of the United States, and after the emphatic and repeated declarations by the President of the United States, as to the constitutionality of Slavery, I feel calle The condition of Kansas continues to absorb public

"ists, exists by virtue of the local law alone, and first it neither exists nor is confirmed there, nor any "where, by the force and effect of the Constitution of "the United States."

I have faith in the principles at issue in this controversy so strong as to feel assured that the freeinen of Kansas will not submit to the great wrongs meditated against them; and my faith is alike strong that the men of the free Scates will sustain the cause of Freedom of Kansas as though it were their own, and at their own doors.

men of the free Sates will sustain the cause of Freedom of Kansas as though it were their own, and at their own doors.

Since the last session of the Legislature the Lemmon lave case, involving the claim of slaveholders to bring lave case, involving the claim of slaveholders to bring lave case, involving the claim of slaveholders to bring lave case, involving the claim of slaveholders to bring lation, has been brought under the consideration of the Supreme Court of the first Judicial district.

The case was heard before the five judges of that district, and I am gratified to be able to state that, with one dissenting voice, the Court expressed its judgment in favor of the constitutional power of the State to legislate as to the condition of all persons within its jurisdiction, and banish forever from its territory all vestige of human Slavery. The dissenting justice has not made public the grounds or the extent of his disagreement with the majority of the Court.

The counsel of the State of Virginia having intimated his intention to appeal from this decision, I recommend to the Legislature to make such provision for the further maintenance of the rights of the State, as the importance of the question requires.

I have thus frankly communicated to you my views on the great public interests committed to our common charge. The path before us is plain, though not free from difficulties and embarrassments; but looking with a steadfast eye to duty, andrelying with steadfast hearts upon the continued aid and guidance of that gracious Being, who, in the past, has, in so signal a maner, blessed our people, we cannot mistake, and must not suffer ourselves to be diverted from it.

JOHN & KING.

Albany, January 5, 1954.